

REMARKS

Claims 1-23, 26-32, 35-37 and 39-42 are currently pending in the subject application and are presently under consideration. In the Office Action dated November 16, 2007, all claims were rejected. In the present response, Applicants amend claims 1, 6, 8, 13-15, 18, 20, 22, 26, 27, 31, 35, 39, 41, and 42 and traverse the rejections as follows.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Rejection of Claims 1-23, 26-32, 35-37 and 39-42 Under 35 U.S.C. §103(a)

Claims 1-23, 26-32, 35-37 and 39-42 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Beshai *et al.* (6,034,960) in view of Becker *et al.* (7,133,424). It was alleged that Beshai *et al.* teaches all of the elements of Applicants' claims, except that Beshai *et al.* does not disclose explicitly the temporal scattering dividing time slot data into at least two temporally non-contiguous time intervals. It was further alleged that Becker *et al.* teaches this element, and that it would have been obvious for one skilled in the art to combine the teachings of Beshai *et al.* and Becker *et al.* to arrive at Applicants' claimed subject matter.

Applicants have amended each independent claim (except claims 39 and 41) in a similar manner to better clarify what Applicants believe to be the invention. Each independent claim now recites "apparatus/method/means for receiving one or more scattering instructions, the scattering instructions providing information for partitioning said data into intervals, each interval shorter in duration than each of said predetermined time slots, and placing at least two of said intervals into at least one of said communication frames, the at least two intervals placed within the at least one communication frame in a non-contiguous manner". Claims 39 and 41 will be discussed in turn.

With regard to claims 1, 8, 15, 26, and 35, it was alleged that Beshai *et al.* teaches "receiving, at a terminal device, one or more scattering instructions, the scattering instructions providing information for temporally scattering time slot data, the temporal scattering dividing the time slot data into at least two temporally noncontiguous time intervals" in Figure 7 and column 5, lines 1-7 and column 8, lines 16-28. Applicants disagree. Beshai *et al.* fails to teach the reception of scattering instructions by a terminal device, either in the cited passages or anywhere else in Beshai *et al.* Beshai *et al.* teaches a communications switch that processes

different streams of information from remote devices. Figures 1 and 9 of Beshai *et al.* illustrate the teachings of such a switch that processes different signal streams. However, there is no teaching or suggestion that the signal processing is carried out by instructions that are received by the switch. There is no teaching or suggestion of where such instructions are stored or how these instructions are installed at the switch. Becker *et al.* likewise fails to teach that instructions for scattering data are received by a terminal device. Therefore, on this basis alone, since neither Beshai *et al.* nor Becker *et al.* teach this element of Applicants independent claims, the rejection under 35 U.S.C. 103(a) should be withdrawn.

Applicants further believe that the rejection to claims 1, 8, 15, 26, and 35 should be withdrawn because neither Beshai *et al.* nor Becker *et al.* teach “partitioning said data into intervals, each interval shorter in duration than each of said predetermined time slots, and placing at least two of said intervals into at least one of said communication frames, the at least two intervals placed within the at least one communication frame in a non-contiguous manner”. Beshai *et al.* teaches a communication system that transmits data in frames and time slots. Figure 2 illustrates a “scheduler frame” filled with time slots, each time slot representing data to be transmitted for each data stream in the system. From Beshai *et al.*, column 5, lines 18-27:

“FIG. 2 describes the key data structure of the disclosed scheduler 5, a time-space map with L entries referred to as 20 a scheduler frame. Each entry contains a stream-number, for example, A, Band C, that each serves as a means of identifying an individual stream. The position of each entry within the frame corresponds to a specific period of time during which a single cell can be sampled and transmitted, 25 and which is referred to as a time-slot.”

Beshai *et al.* further describes that the *time-slots themselves* are scattered throughout a transmission frame, as pointed out in the previous Office Action referring to Beshai *et al.*, in column 8, lines 16-20 and Figure 7. In contrast, Applicants claim “partitioning said data into intervals, *each interval shorter in duration than each of said predetermined time slots...*” In other words, Applicants scatter data contained *within* a time slot while Beshai *et al.* teaches the scattering of *entire* time-slots. This important difference requires that

the rejection under 35 U.S.C. 103(a) be withdrawn, because neither Beshai *et al.* nor Becker *et al.* teaches the aforementioned claim feature.

Applicants further believe that all claims dependent on claims 1, 8, 15, 26, and 35 are likewise allowable as being dependent on what Applicant believes to be allowable claims.

With regard to claims 39 and 41, both of these claims recite dividing data “into at least two temporally non-contiguous time intervals, each time interval having a duration shorter than a time slot duration” or similar language. As explained above with respect to the rejection to claims 1, 8, 15, 26, and 35, neither Beshai *et al.* nor Becker *et al.* teaches this feature of dividing data into intervals smaller than a time-slot and arranging the intervals into a non-contiguous arrangement. Therefore, Applicants believe that the rejection to claims 39 and 41 should be withdrawn. Applicants further believe that claims 40 and 42 are likewise allowable as being dependent on what Applicant believes to be allowable claims.

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [QUALP853USA].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,
AMIN, TUROCY & CALVIN, LLP

/Himanshu S. Amin/
Himanshu S. Amin
Reg. No. 40,894

AMIN, TUROCY & CALVIN, LLP
24TH Floor, National City Center
1900 E. 9TH Street
Cleveland, Ohio 44114
Telephone (216) 696-8730
Facsimile (216) 696-8731